

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEBRASKA
Lincoln Division

In Re

Daniel L. Koch,

Debtor.

Daniel L. Koch,

Movant/Debtor.

v

**Wells Fargo Home Mortgage as
servicer for Wells Fargo Bank,
National Association,**
its successors and assigns, Creditor

Respondent.

Case No: **11-40529**

Chapter **13**

**AFFIDAVIT IN SUPPORT OF
RESPONSE TO DEBTOR'S
OBJECTION TO CLAIM OF
Wells Fargo Home Mortgage
As servicer for Wells Fargo
Bank, National Association**

Kozeny & McCubbin, L.C.
12400 Olive Blvd., Suite 555
St. Louis, MO 63141
(314) 991-0255
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**AFFIDAVIT IN SUPPORT OF RESPONSE TO DEBTOR'S
OBJECTION TO CLAIM OF Wells Fargo Home Mortgage
as Servicer for Wells Fargo Bank, National Association**

I, Teresa J. Williams, being first duly sworn on oath, deposes and states as follows:

1. I am Teresa J. Williams VP Loan Documentation, and hereby make this Affidavit in such capacity.
2. Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association ("Wells Fargo Bank") is a corporation organized under the laws of the State of Nebraska, and is authorized to sue on its own behalf.
3. I have acquainted myself with the Response to Debtor's Objection to Claim of Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association filed herein by Wells Fargo Bank.
4. In my position with Wells Fargo Bank, I am familiar with the preparation and maintenance of the bookkeeping records of Wells Fargo Bank relating



to loans secured by real estate in Nebraska, including the loan which is the subject matter of Debtor's Objection to Claim of Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association. Those books and records are managed by employees and agents whose duty is to keep the books and records accurately and completely and to record each event or item at or near the time of the event or item so noted.

5. I have caused to be conducted an examination of the business records of Wells Fargo Bank regarding the secured obligation of the Debtor herein for the purpose of ascertaining the payment history and status of the obligation. Based upon the examination and my personal knowledge, I state as follows:

(a) On October 31, 1997, Daniel L. Koch ("Debtor") executed and delivered to TMS Mortgage Inc., dba The Money Store, a promissory note ("Note") in writing, whereby he promised to pay to the sum of \$ 26,975.00 together with interest at the rate of 12.25% per annum, as more particularly set forth in such Note.

(b) On October 31, 1997, Daniel L. Koch and Lisa Koch, to secure the payment of such note, executed and delivered to Commonwealth Land Title Insurance Co., a certain real estate Deed of Trust ("Deed") in writing whereby the conveyed the property commonly known as 1620 West 6th Street, North Platte NE 69101.

(c) Wells Fargo Bank, National Association is the current holder of the Note and Deed.

(d) The Debtor is the record owner of the above-referenced real estate.

(e) The Debtor is in default on his obligation to Wells Fargo Bank in that the Debtor has failed to make his installment payments when due and owing pursuant to the terms of the above-described Note.

(f) Applying all credits and payments, as of the date of filing of the Proof of Claim, the Debtor was indebted to Wells Fargo Bank in the principal amount of \$87,135.49, plus interest of 12.250% per annum. Debtor is in default on 128 pre-petition payments (September 2000 through and including April 2011), plus fees and expenses totaling \$57,111.80 broken down as follows:

16 Payments @ \$403.01 (9/1/00 – 12/1/01) \$6,448.16
30 Payments @ \$402.95 (1/1/02 – 6/1/04) \$12,088.50



12 Payments @ \$402.96 (7/1/04 – 6/1/05)	\$4,835.52
12 Payments @ \$402.95 (7/1/05 – 6/1/06)	\$4,835.40
6 Payments @ \$402.96 (7/1/06 – 12/1/06)	\$2,417.76
6 Payments @ \$402.95 (1/1/07 – 6/1/07)	\$2,417.70
12 Payments @ \$402.96 (7/1/07 – 6/1/08)	\$4,835.52
6 Payments @ \$402.95 (7/1/08 – 12/1/08)	\$2,417.70
6 Payments @ \$402.96 (1/1/09 – 6/1/09)	\$2,417.76
6 Payments @ \$402.95 (7/1/09 – 12/1/09)	\$2,417.70
6 Payments @ \$402.96 (1/1/10 – 6/1/10)	\$2,417.76
6 Payments @ \$402.95 (7/1/10 – 12/1/10)	\$2,417.70
4 Payments @ \$402.96 (1/1/11 – 4/1/11)	\$1,611.84
Accrued Late Charges	\$751.31
Bankruptcy Attorney Costs	\$150.00
Bankruptcy Attorney's Fees	\$650.00
Broker Price Opinion	\$385.00
Foreclosure Cost	\$775.97
Foreclosure Attorney's Fees	\$2,290.00
Property Inspection Fee	\$35.00
Property Preservation Fee	\$195.50
Attorney's Fees for Proof of Claim Preparation & Filing	\$150.00
Attorney's Fees for Plan Review	\$150.00
Total	\$57,111.80

6. By failing to make the regular monthly mortgage payments due pursuant of the Note, Debtor has not provided adequate protection to Wells Fargo Bank.

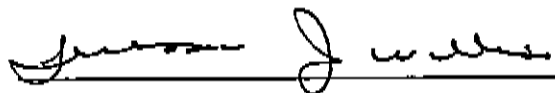
7. Wells Fargo Bank has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for which it is entitled reimbursement under the terms of its Note.

I declare under penalty of perjury that to the best of my knowledge the foregoing facts are true and correct.

FURTHER AFFIANT SAYETH NOT.

Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association,

By:



Teresa J. Williams VP Loan Documentation
Representative Title

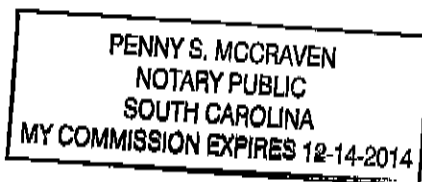


Subscribed and sworn to before me this 15 day of December 2011.

Penny S. McCraven

Notary Public in and for the
State of *SC*

My commission expires: *12-14-14*



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CERTIFICATE OF SERVICE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Affidavit in Support of Response to Debtor's Objection to Claim and a copy of this pleading were mailed by U.S. First Class Mail the 16th day of December, 2011 to the parties listed below:

Daniel Koch
Debtor
1620 West 6th Street
North Platte, NE 69101



Respectfully submitted,

By: /s/ Jonathon B. Burford
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